

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STACEY L. FUCHS,

Plaintiff,

Case No. 20-cv-419-pp

v.

TOTAL SYSTEM SERVICES, LLC,

Defendant.

**ORDER DISMISSING CASE UNDER CIVIL L.R. 41(b) FOR LACK OF
PROSECUTION**

On March 17, 2020, the plaintiff filed a complaint against Equifax Information Services LLC (Equifax) and Experian Information Solutions, Inc. (Experian). Dkt. No. 1. On May 8, 2020, the plaintiff filed a notice of settlement between herself and Equifax. Dkt. No. 16. The plaintiff filed notice of settlement with Experian on June 25, 2020. Dkt. No. 21. On June 26, 2020, the court administratively closed the case.

On July 6, 2020, the plaintiff filed a stipulation of dismissal with prejudice as to Equifax, dkt. no. 23, and the same as to Experian on August 14, 2020, dkt. no. 25. Before filing the second stipulation, the plaintiff filed a motion to amend/correct the complaint seeking to add a count against Total Systems Services LLC. Dkt. No. 24. On August 18, 2020, the court granted the plaintiff's motion and reopened the case, allowing the plaintiff to file the amended complaint (which is at dkt. no. 29). Dkt. No. 26.

The amended complaint alleged a single claim against Total System Services LLC for failure to investigate. Dkt. No. 29. On September 22, 2020, the plaintiff filed an executed summons as to Total System Services LLC. Dkt. No.

31. Nothing has happened in the year since. Total System Services LLC has not answered or otherwise responded to the complaint. The plaintiff has not sought default. The case has languished.

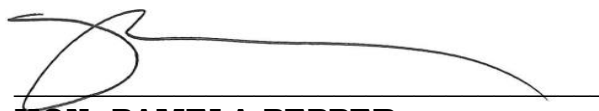
This court's Civil Local Rule 41(b) states that in cases where, within six months from the filing of the complaint, the defendant has failed to answer or otherwise respond and the plaintiff has not sought default judgment, the court may, "on its own motion, after 21 days' notice to the attorney of record for the plaintiff, . . . enter an order dismissing the action for lack of prosecution." The rule specifies that the dismissal must be without prejudice. Civil L.R. 41(c) allows the court to dismiss a case wherever it appears that the plaintiff is not diligently prosecuting the case.

On August 31, 2021, the court issued an order indicating that the case would be dismissed under Civil L.R. 41 unless within twenty-one days of the date of that order, the plaintiff demonstrated, in writing, why Civil L.R. 41(b) or (c) should not apply. The deadline for the plaintiff to file that written explanation was September 21, 2021; the court has received nothing from the plaintiff.

The court **ORDERS** that this case is **DISMISSED WITHOUT PREJUDICE** under Civil L.R. 41(b) for failure to prosecute. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 23rd day of September, 2021.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge